

Appl. No. 09/314,615
Reply to Final Office Action of April 21, 2004

REMARKS/ARGUMENTS

Claims 14-28 are pending. In a sincere effort to expedite prosecution, Applicant canceled claims 1-13 without disclaiming the subject matter therein. Applicant reserves all right to pursue these or other claims in a continuing application. Applicant has added new claims 22-28 and requests consideration of these claims. For the foregoing reasons, Applicant believes all the claims are allowable over the cited art.

The § 103(a) Rejection of Claims 14-21

Claims 14-21 were rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,822,406, issued October 13, 1998 to Brown in view of U.S. Patent No. 5,400,393, issued March 21, 1995 to Knuth et al. (hereinafter "Knuth"). Accordingly, it is being asserted that these two references, if combined, disclose or suggest all the features of the claims. For the following reasons, Applicant respectfully traverses the rejection.

Claim 14 has been amended to include that the configuration for the transducers is stored. An embodiment showing this feature is shown in FIG. 5 (see step 311) and the accompanying text. Neither cited reference has been shown to teach or disclose storing a configuration as claimed in association with the other features of the claim. Therefore, claim 14 is patentably distinct over the cited references.

Additionally, claim 16 has been amended to recite that the stored configuration is restored when the audio transducer of interest has been turned off. The Office Action cites Table 1 and cols. 6-7. Table 1 shows the different modes of operation and does not disclose by itself that a stored configuration is restored as claimed. As to cols. 6-7, col. 6, lines 32-33 says that the different modes can be programmatically selected by the user. Applicant did not see that these sections of Brown disclosed the features of the claim at issue. As neither cited reference has been shown to include the features of claim 16, the claim is patentably distinct.

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With respect to claim 19, the claim recites a default audio transducer is automatically selected that corresponds to a user selected audio transducer (see, e.g., page 12, lines 17-23). The Office Action cites col. 4, lines 33-37 of Brown as disclosing these features. However, a closer review of the reference reveals that this section is referring to "modes" of operation. A listing of these modes is shown in Table 1 of Brown. The mode is not the user selecting a audio transducer, but instead a selection of a mode of operation for the multiple transducers. Accordingly, Brown does not disclose or suggest the features of claim 19.

Claims 22-28 have been added and claim 22 includes features that are similar to those recited in claim 19. Thus, the new claims are patentably distinct for at least the same reasons.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (650) 694-5339.

Date: 190704

Respectfully requested,

SIEMENS CORPORATION
Customer Number: 28524
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, IP Department
Telephone: (732) 321-3026

By: 

David D. Chung
Registration No. 38,409
Attorney for Applicants
Tel: 650-694-5339
Fax: 650-968-4517